



June 24, 2002

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association; CC Docket No. 95-116

Dear Ms. Dortch:

Attached are reply comments of the Association for Local Telecommunications Services ("ALTS") for filing in the above-captioned proceeding.

Sincerely,

/s/

Teresa K. Gaugler

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petition for Declaratory Ruling of the Cellular)	
Telecommunications & Internet Association)	

**REPLY COMMENTS OF THE
ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES**

The Association for Local Telecommunications Services (“ALTS”) hereby files its reply comments in the above-referenced proceeding in response to the Commission’s Public Notice¹ regarding Cellular Telecommunications & Internet Association's ("CTIA's") Petition for Declaratory Ruling.² ALTS urges the Commission to dismiss this Petition because it is not the proper vehicle to address these complex issues. Instead, the Commission should initiate a rulemaking proceeding to fully consider and resolve the important issues raised by CTIA, rather than haphazardly changing the existing rules without adequate consideration of the effect on consumers and carriers.

CTIA raises three substantive issues that ALTS will address: number porting intervals, types of carrier agreements, and local number portability ("LNP") across rate center boundaries. ALTS agrees that these are important issues for implementation of wireless-to-wireline (intermodal) LNP; however, ALTS disagrees with CTIA's proposed solutions. CTIA

¹ *Public Notice*, CC Docket No. 95-116, DA 03-1753 (May 22, 2003).

² *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, CC Docket No. 95-116 (filed May 13, 2003) “*CTIA Petition*.”

proposes that the Commission establish intervals for all LNP involving wireless carriers that is similar to the set up interval now utilized within the wireless industry (i.e., within one day with a goal of two and one-half hours). While definitive rules regarding the intervals for intermodal porting are necessary;³ ALTS urges the Commission not to adopt the rules established in the wireless industry and thereby drastically reduce the porting interval approved by wireline carriers from four days to two and one-half hours. The current four-day interval for ports between wireline carriers is necessary to update records and complete the wireline LNP process, and wireline carriers cannot complete this process in two and one-half hours. ALTS agrees that if the CMRS industry wishes to maintain a goal of porting wireless-to-wireless numbers within two and one-half hours, it should be free to do so, but such a requirement should not be imposed on ports involving wireline carriers.⁴ CTIA has failed to demonstrate the necessity for doing so, and merely admonishing the wireline industry for not installing upgraded technology that may allow for a shorter interval is insufficient to demonstrate such a need.⁵ Moreover, ALTS agrees that "[i]mposing the wireless porting timeframe on intermodal porting would only increase the costs associated with implementing wireless number portability," as well as increasing the chances for errors in porting.⁶

ALTS strongly agrees that all carriers must be responsible for educating their customers and managing their expectations regarding the timeframe in which a ported number would be

³ AT&T Wireless Comments at 5.

⁴ BellSouth Comments at 3.

⁵ *Id.* at 4-6.

⁶ *Id.* at 5.

available.⁷ Just because customers currently expect to install a wireless phone immediately⁸ does not mean that their expectations about porting numbers to or from a wireless phone should be for it to occur immediately. It is reasonable to expect consumers to understand that such a transaction may take a few days longer. ALTS does not believe that such a delay would adversely impact the new carrier because customers typically choose to change carriers due to long-term benefits of such a change and should not be deterred by a possible 4-day delay in changing providers.⁹

Regarding the type of agreement carriers should employ to address number portability issues, ALTS believes the carriers involved should determine which type of agreement best suits their needs. While ALTS of course does not advocate a protracted negotiation process, an appropriate agreement must exist between carriers in order to port numbers as well as interconnect and exchange traffic. ALTS has not reviewed CTIA's proposed service level agreement ("SLA") and therefore cannot comment on the substance of such a model; however, ALTS believes the Commission must ensure that carriers negotiate in good faith to address all interconnection and number porting related issues and should allow the affected carriers flexibility to utilize whatever type of agreement meets their business needs.¹⁰

Finally, ALTS urges the Commission not to make a hasty decision concerning LNP across rate center boundaries. ALTS members are concerned about the potential impact on

⁷ *Id.* at 6.

⁸ Cincinnati Bell Wireless Comments at 3.

⁹ BellSouth Comments at 6.

¹⁰ BellSouth Comments at 9.

billing systems as different telephone numbers within a single NXX code could become associated with different rate centers through ports within a wireless MTA. The Commission should fully consider the implications of such matters in a rulemaking proceeding, rather than assuming that any billing and other operational concerns could be addressed as part of implementation.

CONCLUSION

ALTS urges the Commission to reject CTIA's Petition for Declaratory Ruling and instead open a rulemaking proceeding to address the issues raised by CTIA.

Respectfully Submitted,

**Association for Local
Telecommunications Services**

By: /s/Teresa K. Gaugler
Jonathan Askin
Teresa K. Gaugler
888 17th Street, NW
Washington, DC 20005
(202) 969-2587

June 24, 2003